

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

CORRY AVERETT,)	
)	
Plaintiff,)	
)	
vs.)	1:12-CV-4007-AKK-JEO
)	
LIEUTENANT SCOTT BONNER,)	
)	
Defendant.)	

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on July 18, 2014, recommending that Defendant Bonner's motion for summary judgment as to the plaintiff's Fourteenth Amendment Due Process claims be granted and the action be dismissed with prejudice. A copy of the report and recommendation mailed to the address provided by the plaintiff was returned with the notation, "Inmate not in this facility." (Doc. 27). The plaintiff has failed to notify the court of a change of address as required.¹ No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that Defendant Bonner's motion for summary judgment as to the plaintiff's Fourteenth

¹ Two additional items of correspondence from the court were mailed to the address provided by the plaintiff, but returned with similar notations on November 12, 2013, and April 16, 2014. (Docs. 21 & 24). As set out in the Order for Special Report, as well as the first page of each of the three form complaints completed by the plaintiff in this action, it was his responsibility to keep the court apprised of his current address. (Docs. 1, 9-11). Each document also notified the plaintiff that his failure to do so may result in the dismissal of his case. (*Id.*).

Amendment Due Process claims are due to be GRANTED and the plaintiff's claims are due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE , this the 19th day of August, 2014.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE